

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: September 20, 2006

Division: County Attorney

Bulk Item: Yes ☐ No ☒

Department: County Attorney

Staff Contact Person: Jerry Sanders

AGENDA ITEM WORDING:

Approval of a resolution authorizing acceptance of the Sea Grape Apartments site in Marathon (RE #103560-000200) from the Monroe County Land Authority.

ITEM BACKGROUND:

The Sea Grape Apartments site is located near MM 50.5 on the oceanside in Marathon. The Carlisle Group submitted this site in response to the BOCC's request for proposals for purchase/leaseback affordable housing sites. Carlisle proposes to develop the site with a total of 84 affordable units in two phases using construction financing from the Florida Housing Finance Corporation. Acquisition of the property will involve the following steps: 1) the Land Authority will purchase the site (both Phase I and Phase II parcels); 2) the Land Authority will transfer title to the BOCC; and 3) the BOCC will lease the property back to the Sellers for development. Approval of this agenda item will allow staff to proceed with step 2.

PREVIOUS RELEVANT BOCC ACTION:

On 3/15/06 the BOCC approved Ordinance 005-2006 establishing the purchase and leaseback program for affordable housing.

CONTRACT/AGREEMENT CHANGES: None

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: N/A

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty ☒ OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:  9/5/06
SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included ☒ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AUTHORIZING THE ACCEPTANCE OF KEY VACA PARCEL RE #103560-000200 (PROPOSED SEA GRAPE APARTMENTS SITE) FROM THE MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY FOR AFFORDABLE HOUSING.

WHEREAS, sections 125.01(1)j and 125.01055, Florida Statutes (FS) empower the Board of County Commissioners of Monroe County, Florida (hereinafter "BOCC") to take measures necessary to increase the supply of affordable housing; and

WHEREAS, section 125.35, FS empowers the BOCC to sell or lease real property to the highest and best bidder for the particular use the BOCC deems to be the highest and best or to adopt by ordinance alternative standards and procedures to sell or lease real property; and

WHEREAS, based on the above enabling legislation, the BOCC desires to control and oversee the development of certain affordable housing sites acquired by the Monroe County Comprehensive Plan Land Authority; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that:

1. The BOCC hereby agrees to accept title from the Monroe County Comprehensive Plan Land Authority for the affordable housing site identified as the Phase I and Phase II parcels in Exhibit A.
2. The BOCC hereby acknowledges that use of the property will be restricted to affordable housing as defined in the Florida Statutes and the deed(s) into the BOCC will contain the specific deed restrictions shown in Exhibit B.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a meeting of said Board held on the _____ day of _____ 2006.

Mayor McCoy _____
Mayor Pro Tem Spehar _____
Commissioner Di Gennaro _____
Commissioner Neugent _____
Commissioner Patton _____

(SEAL)

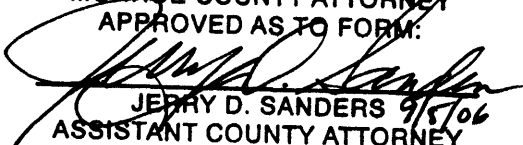
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: _____

Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


JERRY D. SANDERS 9/5/06
ASSISTANT COUNTY ATTORNEY

By: _____

Mayor/Chairman Charles "Sonny" McCoy

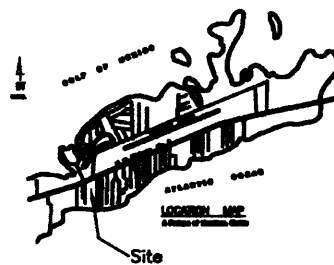
Phase I:

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:
Begin at the intersection of the East line of said Section 11 and the Southeastery right of way line of U.S. Highway 1; thence South along the said East line of Section 11 for 285.00 feet to the Point of Beginning; thence continue South for 574.00 feet; thence West for 91.55 feet; thence North for 24.61 feet; thence West for 140.00 feet; thence North for 549.39 feet; thence East for 231.55 feet to the Point of Beginning;
Containing 129463 s.f. or 2.97 acres, more or less.

Phase II:

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:
Begin at the intersection of the East line of said Section 11 and the Southeastery right of way line of U.S. Highway 1; thence South along the said East line of Section 11 for 859.00 feet to the Point of Beginning; thence continue South for 280.00 feet; thence West for 231.55 feet; thence North for 304.61 feet; thence East for 140.00 feet; thence South for 24.61 feet; thence east for 91.55 feet to the Point of Beginning;
Containing 68279 s.f. or 1.57 acres, more or less.

Begin at the intersection of the East line of said Section 11 and the Southeastly right of way line of U.S. Highway 1; thence South along the said East line of Section 11 for 859.00 feet to the Point of Beginning; thence continue South for 280.00 feet; thence West for 231.55 feet; thence North for 304.61 feet; thence East for 140.00 feet; thence South for 24.61 feet; thence east for 91.55 feet to the Point of Beginning;
Containing 68279 s.f. or 1.57 acres, more or less.



REVISIONS AND/OR ADDITIONS

**3150 Northside Drive
Suite 101
Key West, Fl. 33040
(305) 293-0466
Fax. (305) 293-0237**

EXHIBIT B

AFFORDABILITY COVENANTS

1. Term. These affordability covenants are perpetual, run with the land, and are binding on all present and subsequent owners and mortgagees.
2. Property Use. Use of the property shall be restricted to the provision of affordable housing as defined in section 380.0666(3), Florida Statutes, as said statute may be amended from time to time.
3. Monitoring. Grantee is responsible for ensuring compliance with the affordability covenants contained herein and expressly agrees to furnish, upon Grantor's request, written certification thereof.